

REMARKS

The Applicants thank the Examiner for her effort with regard to their invention and respectfully request reconsideration and allowance of Claims 13 and 15-21 in view of the amendments presented above and the following arguments.

35 U.S.C. §102 (b) REJECTIONS

Claims 1, 3, 7, 13, and 16 were rejected as anticipated by Nasser, US Patent 6,109,210 (Nasser).

Claims 1, 5-7, 9-13, 18 19 and 21 were rejected as anticipated by Wang, US Patent 6,073,581 (Wang).

35 U.S.C. §103 (a) REJECTIONS

Claims 6 and 19 were rejected as obvious over Wang in view of Rucker, US patent 6,634,318 (Rucker).

Claims 8, 15 and 20 were rejected as obvious over Nasser in view of Maudlin et al. US Patent 5,813,366 (Maudlin).

STATUS OF THE CLAIMS

Claims 1-12 and 14 have been canceled.

Claims 22 and 23 have been withdrawn from consideration in accordance with the Examiner's Restriction Requirement.

Claims 13 and 15-21 remain pending in the application.

INDEPENDENT CLAIM 13 IS NOT ANTICIPATED BY NASSER

1. In pertinent part, independent claim 13, as amended herein, requires a ball with an exterior and an interior. The interior of the ball includes a space for containing animal treats and a separate compartment for containing animal treats. The separate compartment includes two openings and the ball includes at least one opening from the outside to the inside of the ball.

The claims and the supporting specification clearly describe two separate spaces for containing items, one space 22 in the separate compartment created by the interior form 18 and one space 24 on the inside 16 of the exterior form 12. (See

eg Figures 1 and 3, and page 5, lines 12-20; page 8, lines 17-21 and page 9, lines 1-8). Page 9, beginning at line 9 clearly states, for example : "As also illustrated in Figure 3, the openings 28 in the interior form 18 may also be off center or misaligned one from the other **such that items 26 are allowed or enabled to leave compartment 20 and enter space 24 of exterior form 12** in an uneven distribution around the center of exterior form 12." (Bolding added) This feature of Applicants' invention is elsewhere described in the application as well. (See e.g. page 10, lines 12-20 and page 11, lines 1-2).

2. The Examiner has rejected Independent claim 13 as being described in, and therefore, anticipated by Nasser. Applicants respectfully disagree as follows.

Nasser describes only one compartment, hollow inner sphere 20 for receiving fish food. The outer sphere 22 and the inner sphere 20 are connected together at their apertures forming a seal there between which is watertight and airtight. The air trapped between the outer sphere 22 and inner sphere 20 ensures that the ball 18 stays afloat. (Column 3, lines 4-20).

Applicants, therefore, respectfully submit that the Nasser prior art does not disclose or suggest Applicants' two spaces for retaining items wherein the interior compartment includes, among other things, two openings as claimed. As a result, Applicants submit that independent claim 13 and dependent claim 16 are allowable.

INDEPENDENT CLAIM 13 IS NOT ANTICIPATED BY WANG

1. Applicants incorporate the remarks made above with regard to independent claim 13 as equally applicable to Wang. In sum, Applicants' invention requires two spaces for containing items wherein, among other things, the interior compartment includes two openings for the animal treats.

2. The Examiner fails to point to anything in Wang that discloses or suggests Applicants interior form 18 that includes a compartment 20 with a space 22 for containing items in addition to the space 24 on the inside 16 of exterior form 12.

All Wang discloses is an interior form that creates ribs 35, 36, 37, 46, 47, 48 in the form of slanting annular members along which dog food 6 is rotatably moved. (Column 2, lines 62-67 and Column 3, lines 1-3). Nowhere are the two spaces for retaining items as set forth in Applicants' claims and specification disclosed or

described. The food in Wang simply rattles around the inside of the shell 1 until guided by the ribs to the only food exit, output port 27.

Applicants, therefore, respectfully submit that the Wang prior art does not disclose or suggest Applicants' two spaces for retaining items as claimed. As a result, Applicants submit that independent claims 1 and 13 along with dependent claims 5-7, 9-12, 18, 19 and 21 are allowable.

DEPENDENT CLAIM 19 IS NOT OBVIOUS IN VIEW OF THE CITED ART

Applicants incorporate the remarks made above with regard to Wang. The Applicants respectfully submit that their invention as claimed is not taught by any of the art disclosed by the Examiner or known to the Applicants. Rucker is cited to add the feature of an edible end cap. Because Wang fails to disclose or suggest Applicants' invention a prima facie case of obviousness has not been made and independent claim 13, as well as dependent claim 19, are properly allowable. As a result, Applicants respectfully request reconsideration and allowance of dependent claim 19.

DEPENDENT CLAIMS 15 AND 20 ARE NOT OBVIOUS IN VIEW OF THE CITED ART

Applicants incorporate the remarks made above with regard to Nasser. The Applicants respectfully submit that their invention as claimed is not taught or suggested by any of the art disclosed by the Examiner or known to the Applicants. Mauldin is cited to teach a sinuous raised edge as claimed and as illustrated in the Figures 1, 2, 4 and 5. Applicants respectfully disagree that Mauldin teaches a ridge that is sinuous in any way. All the figures of Mauldin show a completely uniform NON-SINUOUS raised edge as opposed to the sinuous raised edge 40 of Applicants raised element 32. Nonetheless, because Nasser fails to disclose or suggest Applicants' invention as set forth in independent claim 13, dependent claims 15 and 20 are properly allowable as well. As a result, Applicants respectfully request reconsideration and allowance of dependent claims 15 and 20.

DEPENDENT CLAIM 17 IS NOT OBVIOUS IN VIEW OF THE CITED ART

The Examiner has made no comment concerning dependent claim 17 which adds the limitation that the two openings in the separate compartment include a funnel section for funneling items to the at least one opening in the ball. Applicants respectfully submit that this feature is neither suggested nor taught by any of the references cited by the Examiner and is allowable in its own right and as a result of the allowability of independent claim 13 as set forth above.

DEPENDENT CLAIM 21 IS NOT OBVIOUS IN VIEW OF THE CITED ART

The Examiner has made no comment concerning dependent claim 21 which adds the limitation that the removable cap is domed shaped. Applicants respectfully submit that this feature is neither suggested nor taught by any of the references cited by the Examiner and is allowable in its own right and as a result of the allowability of independent claim 13 as set forth above.

CONCLUSION

For all of the above reasons, the Applicants respectfully request reconsideration and allowance of Claims 13 and 15-21.

This response is intended to be a complete response to the Office Action dated July 5, 2005. No fee is believed due. If a fee is due, please charge such fee to Deposit Account No. 19-1453 (Our file No. Triple Crown 102-1189). Should the Examiner have any questions, please do not hesitate to contact the undersigned.

Respectfully submitted,
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